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**UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

SIERRA CLUB,)
)
 Plaintiff,)
 v.)
UNITED STATES DEPARTMENT)
OF AGRICULTURE, AND)
RURAL UTILITIES SERVICE,)
 Defendants.)

Case No. 3:08-cv-04248-SC

**STIPULATED REQUEST AND
 [PROPOSED] ORDER TO EXTEND
 THE BRIEFING SCHEDULE BY
 SIXTY (60) DAYS**

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10 *Power Cooperative, Inc. and East Kentucky Power*
11 *Cooperative, Inc.*

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Whereas, this case involves several requests by Plaintiff, SIERRA CLUB, for records in the custody or control of Federal Defendants, U.S. DEPARTMENT OF AGRICULTURE and RURAL UTILITIES SERVICE, pursuant to the Freedom of Information Act; and

Whereas, on or around September 25, 2009, Federal Defendants provided responsive records and Vaughn Indices for withholdings; and

Whereas, Plaintiff completed review of responsive records and Vaughn Indices on or around October 23, 2009, resulting in a settlement proposal to Federal Defendants on October 27, 2009; and

Whereas, the Court's current Scheduling Order (D.E. 57) requires Federal Defendants and Intervenor-Defendants to file motions for summary judgment on November 13, 2009; and

Whereas, in light of the schedule and Plaintiff's recent settlement proposal, Plaintiff, Federal Defendants, and Intervenor-Defendants (collectively the "Parties"), have conferred and agree that, in an effort to promote judicial efficiency, the current briefing schedule be extended by sixty days to determine whether the remaining issue in the case can be resolved without further litigation. Counsel for Plaintiff represents that he obtained the dates below from the Court's clerk.

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**STIPULATED REQUEST TO EXTEND
BRIEFING SCHEDULE BY SIXTY DAYS - 2**

IT IS HEREBY AGREED AND THE PARTIES STIPULATE, subject to the Court's approval, that the briefing schedule be extended by approximately sixty days, resulting in the revised schedule as follows:

- | | |
|----------------------|---|
| (a) January 19, 2010 | Last day for Defendant and/or Intervenor(s) to file a motion for summary judgment. |
| (b) February 9, 2010 | Last day for Plaintiff to file opposition to any motion for summary judgment filed by Defendant and/or Intervenor(s) and last day for Plaintiff to file any cross-motion for summary judgment. |
| (c) March 1, 2010 | Last day for Defendant and/or Intervenor(s) to file reply in support of any motion for summary judgment and last day for Defendant and/or Intervenor(s) to file opposition to any motion for summary judgment filed by Plaintiff. |

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**STIPULATED REQUEST TO EXTEND
BRIEFING SCHEDULE BY SIXTY DAYS - 3**

- (d) March 19, 2010 Last day for Plaintiff to file reply in support of its crossmotion for summary judgment.
- (e) April 16, 2010 Hearing on summary judgment motions.

Respectfully submitted,

/s/ William S. Eubanks II
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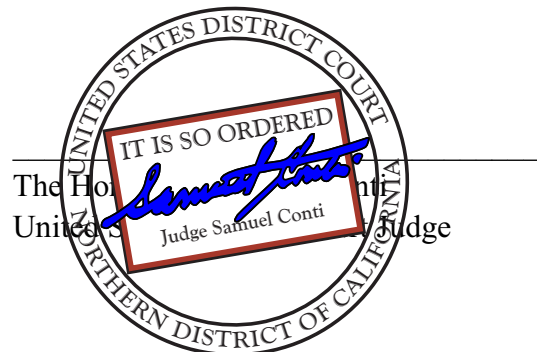
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PURSUANT TO STIPULATION, IT IS SO ORDERED:

Date: October 30, 2009



**STIPULATED REQUEST TO EXTEND
BRIEFING SCHEDULE BY SIXTY DAYS - 4**